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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/672,535 | 09/26/2003 | Yigal Bejerano | Y.BEJERANO 3-16-1-49-1 | 3739 |
| 47394 | 7590 | 08/08/2007 | EXAMINER | |
| HITT GAINES, PC ALCATEL-LUCENT PO BOX 832570 RICHARDSON, TX 75083 | | | BRUCKART, BENJAMIN R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2155 | |
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| | | | 08/08/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

Office Action Summary

Application No.

10/672,535

Applicant(s)

BEJERANO ET AL.

Examiner

Benjamin R. Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20040126
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

Claims 1-21 are pending in this Office Action.

Information Disclosure Statement

The information disclosure statement filed on 1/26/04 has been considered.

Change of Address

The change of address received on 12/23/04 has been entered.

Formal Drawings

The formal drawings received on 1/26/04 have been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 8, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1, 8, 15 recite the limitation "each other link" in (claim 1, line 9; claim 8, line 7; claim 15, line 7). The examiner does not understand where limitation 'each other' refers to. It does not seem to refer to a specific path or how it is determined. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being antipated by “Disjoint Path in Networks” by Suurballe (Applicant IDS).

Regarding claim 1, the Suurballe reference teaches a system for provisioning QoS paths with restoration in a network (Suurballe: page 125; introduction, reliability K paths), comprising:

a primary path generator configured to identify a suitable primary path between source and destination nodes in a network (Suurballe: page 125; source and sink);

an auxiliary graph generator, associated with said primary path generator, configured to construct a directed auxiliary graph from an undirected graph representing said network by reversing each link in a primary QoS path of said undirected graph and replacing each other link in said undirected graph by two directed links (Suurballe: page 128; 3. preliminaries and terms and notations);

a walk identifier, associated with said auxiliary graph generator, configured to identify a walk in said auxiliary directed graph corresponding to a set of bridges in said network (Suurballe: page 130; Fig. 4, interlacing the paths); and

a bridge identifier, associated with said walk identifier, configured to identify a set of bridges in said network such that at least one link of said primary path is protected by a bridge (Suurballa: page 130; Fig. 4, interlacing the paths).

Regarding claim 2, the system as recited in claim 1 wherein said auxiliary graph generator is further configured to assign a zero cost to said each link and said walk identifier is configured to reduce a cost of said walk (Suurballa: page 131; “with length 0 given to the new auxiliary arcs).

Regarding claim 3, the system as recited in claim 1 wherein said walk identifier is configured to satisfy a delay constraint and apply a modified restricted shortest path algorithm to identify said walk (Suurballa: page 131; starting at “to demonstrate point (2)... through definition 4).

Regarding claim 4, the system as recited in claim 1 wherein said walk identifier is configured to identify multiple walks in said auxiliary directed graph, said multiple walks representing multiple restoration paths (Suurballa: page 126; para 1-4; maximum diversity).

Regarding claim 5, the system as recited in claim 1 wherein said primary graph generator further determines said primary QoS path (Suurballa: page 126-127; discussion of approach).

Regarding claim 6, the system as recited in claim 1 wherein said walk identifier decomposes said walk to a set of bridges (Suurballa: page 130; Fig. 4, interlacing the paths).

Regarding claim 7, the system as recited in claim 1 wherein said system is associated with a network operations center of said network (Suurballa: page 125; introduction).

Claims 8-14 and 15-21 are rejected as being substantially similar in limitation and scope and are rejected for the same rationale illustrated above.

Applicant is encouraged to apply details and specific algorithms to claim terminology to expedite prosecution.

Conclusion

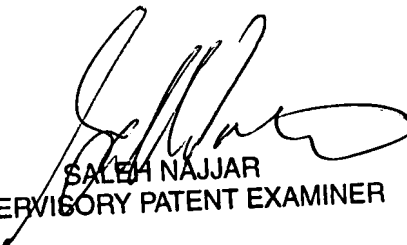
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155

BRB


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER